HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

daily floor report

Tuesday, May 02, 2017
85th Legislature, Number 61
The House convenes at 10 a.m.
Part Three

Sixty-nine bills are on the daily calendar for second-reading consideration today. The bills analyzed or digested in Part Three of today's *Daily Floor Report* are listed on the following page.

Dwayne Bohac
Chairman
85(R) - 61

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Tuesday, May 02, 2017

85th Legislature, Number 61

Part 3

SUBJECT: Reporting requirements on the collection of certain fines by certain cities

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Morrison, Martinez, Burkett, Y. Davis, Israel, Phillips, Pickett, E. Thompson, S. Thompson, Wray

0 nays

3 absent — Goldman, Minjarez, Simmons

WITNESSES: For — John Esparza, Texas Trucking Association

Against — (*Registered, but did not testify*: Guadalupe Cuellar, City of El Paso)

BACKGROUND: Under Transportation Code, sec. 644.101, certain municipalities and counties are authorized to conduct commercial vehicle inspections to enforce commercial vehicle safety standards and issue citations. Sec. 644.102 requires the municipality or county to send to the comptroller any amount collected from fines exceeding 110 percent of the enforcement costs.

DIGEST: HB 2065 would require municipalities and counties that collected fines to enforce commercial vehicle safety standards to detail the amount of fines collected and the actual expenses for enforcement during the previous fiscal year in an annual report to the comptroller.

Municipalities and counties that failed to comply with the reporting requirement would be required to send to the comptroller for deposit to the credit of the Texas Department of Transportation an amount equal to the amount retained by the municipality or county in the fiscal year the report covered.

The comptroller would adopt rules as necessary to administer the bill's provisions.

The bill would take effect September 1, 2017.

SUPPORTERS SAY:

HB 2065 would increase transparency by providing a better understanding of the amount cities and counties are collecting in fees related to vehicle inspections. Cities could be underreporting the amount collected or abusing enforcement abilities to generate revenue. The reporting requirement would provide a better picture for any future legislation aimed at curbing possible abuses.

The bill would not result in a major burden on cities and counties. Cities and counties that apply to enforce commercial vehicle safety standards are aware of current reporting requirements when they sign up. The bill simply would require that they report the comptroller regardless of whether the fines in one year exceeded 110 percent of the enforcement costs.

Entities that fail to comply with the reporting requirement should be penalized to avoid underreporting of fines collected. While the worksheets detailing expenses currently filed by cities and counties provide some information, more transparency is needed to determine how fines are collected. If a large number of cities and counties were underreporting the amount they were collecting for commercial vehicle inspections, the state could see an increase in revenue.

OPPONENTS SAY:

HB 2065 would create an overly harsh penalty for cities that did not comply with the reporting requirement. The penalty could be especially harmful to smaller cities that might not have the resources and staff to comply in a timely manner and would lose all their fine revenue as a result.

The bill would create an additional reporting requirement that could lead to increased personnel and administrative costs to cities, which could be especially burdensome to smaller municipalities.

This bill is unnecessary because cities and counties already are required to file a worksheet detailing major equipment costs, personnel costs, vehicle maintenance and fuel costs, among others.

NOTES: The Legislative Budget Board notes that there could be an indeterminate revenue gain to the state, depending on the number of municipalities and counties that failed to comply with the reporting requirement.

SUBJECT: Creating an offense for installation of unsafe motor vehicle tires

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Morrison, Martinez, Burkett, Y. Davis, Israel, Phillips, Pickett, E. Thompson, S. Thompson, Wray

0 nays

3 absent — Goldman, Minjarez, Simmons

WITNESSES: For — Nathan Facey, The Goodyear Tire & Rubber Co.; Courtney Brooks, Rubber Manufacturers Association; (*Registered, but did not testify*: Anne O'Ryan, AAA Texas; Trent Townsend, Liberty Tire; Joe Woods, Property Casualty Insurers Association of America (PCI); Beaman Floyd, Texas Coalition for Affordable Insurance Solutions)

Against — (*Registered, but did not testify*: Jim Baxa)

BACKGROUND: Transportation Code, sec. 547.101 allows the Department of Public Safety (DPS) to adopt vehicle equipment standards to protect the public from unreasonable risk of death or injury and enforce federal safety standards.

DIGEST: HB 2774 would make the installation of unsafe tires for a vehicle used on a public street or highway and subject to state inspection a misdemeanor offense. The bill would define an unsafe tire as one that:

- had tire tread less than one-sixteenth of an inch deep;
- had a localized worn spot that exposed the ply or cord through the tread;
- had a tread or sidewall crack, cut, or snag as measured on the outside of the tire that was more than one inch long and deep enough to expose the body cords;
- had any visible bump, bulge, or knot apparently related to tread or sidewall separation or partial failure of the tire structure, including bead area;
- had been regrooved or recut below the original groove depth, except for a special regroovable tire that had extra undertread rubber for that purpose and was identified as such;

- had been repaired temporarily by the use of a blowout patch or boot;
- had worn tread wear indicators that contacted the road in any two adjacent major grooves in the center or middle of the tire; or
- did not otherwise meet applicable DPS safety standards.

The bill would punish the installation of unsafe tires as a misdemeanor punishable by a fine of not less than $100 or more than $500.

The bill would take effect September 1, 2017.

SUPPORTERS SAY:

HB 2774 would improve highway and motorist safety in Texas by creating an offense to deter the installation of unsafe used tires. When buying tires, many consumers rely upon the advice and guidance of the professionals who install them. Consumers expect that these tires will be safe, but some used tires may not be up to statewide safety standards and could put motorists or pedestrians at risk.

The bill would not prevent consumers from buying used tires. It merely would ensure that any tires installed on their vehicles had met the minimum safety standards, thereby reducing risks for everyone on the state's roads.

The bill would apply existing state inspection standards to the installation of used tires. Tires that would fail an annual Texas safety inspection should not be installed on any vehicles, which this bill would help accomplish.

OPPONENTS SAY:

HB 2774 would be overly restrictive and could negatively impact Texans who may only be able to afford used tires. Specifically, prohibiting the sale of a tire because it had been patched would be unreasonable. Many people repair their own tires with a patch and drive on them safely.

SUBJECT: Establishing a pilot work program for certain state-jail felony defendants

COMMITTEE: Corrections — committee substitute recommended

VOTE: 7 ayes — White, Allen, S. Davis, Romero, Sanford, Schaefer, Tinderholt

0 nays

WITNESSES: For — Raymon Roberts, DeWayne Street, Traci Berry, Goodwill Central Texas; Rodney Thompson, Texas Probation Association; Michael Haugen, Texas Public Policy Foundation; Zenobia Joseph; (*Registered, but did not testify*: Katy Reagan, Alliance for Safety and Justice; Nicholas Hudson, American Civil Liberties Union of Texas; Lauren Johnson, Austin Travis County Reentry Roundtable, Texas Inmate Families Association; Kathryn Freeman, Christian Life Commission; Will Francis, National Association of Social Workers-Texas Chapter; Josiah Neeley, R Street Institute; Cathy DeWitt, Texas Association of Business; Lori Henning, Texas Association of Goodwills; Trey Owens and Douglas Smith, Texas Criminal Justice Coalition)

Against — None

On — Bryan Collier, Texas Department of Criminal Justice

BACKGROUND: Some observers have noted that recidivism rates among state jail populations are particularly high and that employment and life-skills training can help reduce the likelihood that a person will re-offend.

DIGEST: CSHB 3130 would require the Texas Department of Criminal Justice (TDCJ) by September 1, 2019, to develop a pilot program to provide educational and vocational training, employment, and reentry services to defendants placed on community supervision and sentenced to confinement in a state-jail felony facility. A defendant convicted at any time of an offense against a person would be ineligible for the program.

After consulting with interested parties, TDCJ would choose up to four locations across that varied in geographic region and population size

where the program would operate. The department would consider whether risks and needs assessments were generally conducted before sentencing in a particular location, and the degree to which local judges supported the pilot program.

The bill would require TDCJ to request proposals for program services from public and private entities. The pilot program would consist of about 180 days of employment-related services based on the defendant's vocational goals. Defendants would receive training and be employed by the service provider during an initial period, after which placement services would help the defendant find employment. If applicable, the provider also would help the defendant obtain a high school diploma or industry certification. Life-skills training, counseling, and mental health services also would be available.

The pilot program would be limited to 45 defendants per quarter per location. TDCJ would pay providers at least $40 per day for each participant.

The bill would allow a judge assessing a punishment in a state-jail felony case to suspend the imposition of the sentence and place the defendant on community supervision for up to 270 days on the condition that the defendant:

- submit at the beginning of term of community supervision to be confined in a state-jail facility for no more than 90 days; and
- participate in the education and vocational training pilot program.

Defendants would be required to participate fully in the program, and failure to do so could result in a revocation.

A risk and needs assessment or similar evaluation of the defendant's prior criminal history would have to be conducted before a defendant could be placed on community supervision. The judge would have to credit against the time the defendant was required to serve the days the defendant served in a county jail from arrest until sentencing.

The bill would take effect September 1, 2017, and would apply only to

defendants sentenced to a state jail on or after September 1, 2019.

NOTES:

A companion bill, SB 1011 by Huffman, was referred to the Senate Criminal Justice Committee on March 6.

According to the Legislative Budget Board, the bill would have an estimated negative impact of $2.4 million to general revenue beginning in fiscal 2020-21.

SUBJECT: Setting a 10 percent annual cap on life insurance premium increases

COMMITTEE: Insurance — committee substitute recommended

VOTE: 9 ayes — Phillips, Muñoz, R. Anderson, Gooden, Oliverson, Paul, Sanford, Turner, Vo

0 nays

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Jan Graeber and Philip Reyna, Texas Department of Insurance)

DIGEST: CSHB 3370 would prohibit insurers from increasing a premium, cost, charge, administrative expense, or fee related to a life insurance policy by more than 10 percent during any year. This prohibition would not apply if the provider disclosed the schedule and amount of the increase to the policyholder at the time the policy was issued.

The bill would take effect September 1, 2017, and would apply only to a policy delivered, issued, or renewed on or after January 1, 2018.

SUPPORTERS SAY: CSHB 3370 would increase the transparency of life insurance transactions and protect policyholders from unexpected large premium increases. Because life insurance companies need some policyholders to drop their policies to generate revenue, many have begun to sharply increase premium rates on elderly universal life insurance policyholders in the hopes that they will drop their policies. Elderly policyholders who do not wish to comply with suddenly raised premiums have limited options in the life insurance market and may have to significantly reduce the duration or amount of their coverage.

The bill would not negatively impact carrier flexibility. It would not prevent insurance carriers from issuing any policy at any rate, provided

premium increases were disclosed in advance. Market fluctuations would be unlikely to require such drastic, unplanned rate increases, and the disclosure option would encourage companies to plan for smaller and more frequent premium increases. Policyholders would be better off paying these small incremental increases than a sudden, undisclosed rate hike in the future because they would be better able to budget and plan around smaller rate increases.

OPPONENTS SAY:

CSHB 3370 would hinder the flexibility of insurance carriers to respond to changing market conditions. Factors such as lapse rates, mortality trends, interest rates, and administrative expenses can affect the rates insurers must charge policyholders in order to remain sound. Current policies are already subject to a maximum premium amount, and setting a 10 percent cap on increases likely would result in immediate rate hikes for initial insurance policies, harming policyholders who must pay more and carriers who would face lower demand.

SUBJECT: Narrowing reporting obligations for personal bond pretrial release office

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Moody, Hunter, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

WITNESSES: For — Cygne Nemir, El Paso County; (*Registered, but did not testify*: Darwin Hamilton, Reentry Advocacy Project; Yannis Banks, Texas NAACP)

Against — None

BACKGROUND: Code of Criminal Procedure, art. 17.42 sec. 5(a)(1) requires a personal bond pretrial release office to prepare a record containing information about any accused person identified by case number only who, after review by the office, is released by a court on personal bond.

Art. 17.42, sec. 6(a) requires personal bond offices to submit an annual report containing certain information about its operations during the previous year to the commissioners court or district and county judges that established the office. Among other information, the office is required to include in the report information about accused persons released on personal bond and details about their criminal history.

Some have expressed concerns that the reporting requirements regarding information about a defendant place an undue burden on personal bond pretrial release offices because the information often is inaccessible.

DIGEST: HB 3165 would limit a personal bond pretrial release office's preparation of records requirement to persons released on a personal bond before sentencing in a pending case.

The bill would remove the requirement that a personal bond office's annual report include the number of accused persons released on personal

bond who had been convicted of either the same offense or a felony within six years of the date on which charges were filed in the matter pending during the person's release.

The bill would require the annual report to include the number of individuals who were arrested for any other offense while on the personal bond only if the offense occurred in the same county in which they were released.

The bill would take effect September 1, 2017.

NOTES:

A companion bill, SB 1315 by Rodríguez, was referred to the Senate Criminal Justice Committee on March 14.

SUBJECT: Allowing TxDOT to increase the size of the aviation advisory committee

COMMITTEE: Transportation — favorable, without amendment

VOTE: 11 ayes — Morrison, Martinez, Burkett, Y. Davis, Israel, Phillips, Pickett, Simmons, E. Thompson, S. Thompson, Wray

0 nays

2 absent — Goldman, Minjarez

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: James Bass and Marc Williams, Texas Department of Transportation)

BACKGROUND: Transportation Code, sec. 21.003 establishes the aviation advisory committee, which consists of six members appointed by the Texas Transportation Commission and advises the commission and the Texas Department of Transportation on aviation matters. Members must have five years of successful experience as a pilot, aircraft facilities manager, or fixed-base operator.

DIGEST: HB 3591 would require the Texas Transportation Commission to, by rule, determine the number of members on the aviation advisory committee, as long as the number was at least six.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017. The commission would adopt the required rules under this bill by September 1, 2018.

SUPPORTERS SAY: HB 3591 would allow the Texas Transportation Commission to increase the geographical diversity and knowledgebase of the aviation advisory committee. The committee makes recommendations on a variety of topics,

including the awarding of grants and federal dollars to airports. A six-member commission cannot completely represent all regions of a state as big as Texas. Expanding the size of the advisory committee would allow the commission to get input from a wider variety of areas and experts.

OPPONENTS SAY:

No apparent opposition.

NOTES:

A companion bill, SB 1522 by Nichols, was approved by the Senate on April 19.

SUBJECT: Providing telephone numbers for jury wheel contact information

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Smithee, Farrar, Gutierrez, Hernandez, Murr, Neave

3 nays — Laubenberg, Rinaldi, Schofield

WITNESSES: For — (*Registered, but did not testify*: Jennifer Lindenzweig, Hunt County Clerk; Celeste Bichsel and Caroline Woodburn, Texas County and District Clerk's Association; Heather Hawthorne; Patti Henry; Laura Hinojosa; Angelia Orr)

Against — None

On — Ashley Fischer, Texas Secretary of State: (*Registered, but did not testify*: Keith Ingram, Texas Secretary of State, Elections Division)

BACKGROUND: Election Code, sec. 13.004(a) prohibits a registrar from transcribing, copying, or otherwise recording a telephone number furnished on a voter registration application.

DIGEST: CSHB 1102 would allow a registrar to record a telephone number furnished on a voter registration application only for purposes of reconstituting a jury wheel.

The voter registrar would be required to include the phone number for each individual in the annual current voter registration list given to the secretary of state for the purpose of reconstituting the jury wheel. An entity contracted by the commissioners court for this purpose also would have to provide each individual's phone number, if available.

The bill would require the officials who reconstituted the jury wheel to add the telephone number of each prospective juror to the separate jury wheel card containing the name and post office address of prospective jurors.

The bill would make a telephone number on a voter registration application confidential and not subject to disclosure under the Texas Public Information Act. A voter's telephone number in the secretary of state's computerized voter registration list could not be included in information released from the list to a requestor.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS SAY:

CSHB 1102 would require a telephone number to be added to the contact information of a prospective juror, if the juror voluntarily furnished it, to help address Texas' low response rates to jury summons. During the interim, the House Committee on Judiciary and Civil Jurisprudence identified lack of reliable contact information on the jury pool list as a significant contributor to low participation and recommended requiring inclusion of phone numbers for the jury wheel as a way to increase jury participation rates.

The bill would establish mechanisms for the inclusion of phone numbers, if provided, in the jury pool information. This would allow another avenue for contacting potential jurors. The bill would protect privacy by ensuring that telephone numbers were kept confidential and not subject to public disclosure.

OPPONENTS SAY:

CSHB 1102 could cost the secretary of state money to change the computerized voter registration list to incorporate voters' phone numbers. There currently is no place to include them in the database because the Election Code states phone numbers may not be recorded.

SUBJECT: Applying handgun laws to licensed volunteer first responders

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 8 ayes — P. King, Nevárez, Burns, Hinojosa, Holland, Metcalf, Schaefer, Wray

1 nay — J. Johnson

WITNESSES: For — Dirk Robison; (*Registered, but did not testify*: Matt Long, Fredericksburg Tea Party; Rachel Malone, Texas Firearms Freedom; Alice Tripp, Texas State Rifle Association; Pat Fry; Tom Glass)

Against — (*Registered, but did not testify*: Andrea Brauer, Texas Gun Sense)

On — (*Registered, but did not testify*: Mike Wisko, Texas Fire Chief's Association)

BACKGROUND: Government Code, secs. 30.06 and 30.07 make it a crime for a handgun license holder to either conceal or openly carry a handgun on the premises of a property on which it is known to be forbidden.

Penal Code, secs. 46.035(b) and 46.035(c) create offenses for a license holder to carry a handgun on the premises of a business that derives at least 51 percent of its income from alcohol sales, at an amateur or professional sporting event, on the premises of a correctional facility, on the premises of a hospital or nursing facility, in an amusement park, on the premises of a place of worship, or at an open meeting of a governmental entity.

Sec. 46.15 establishes that the offenses of unlawful carrying of weapons and carrying weapons on certain prohibited premises do not apply to certain persons.

DIGEST: HB 435 would create a defense to prosecution for the offenses in Penal Code, secs. 30.06 and 30.07 if the license holder was volunteer emergency

services personnel. It would be a defense to prosecution for the offenses in secs. 46.035(b) and 46.035(c) if the actor was volunteer emergency services personnel engaged in providing emergency services.

The bill would add volunteer emergency services personnel that were licensed to carry a handgun and engaged in providing emergency services to the list of individuals to which the offenses of unlawful carrying of weapons and carrying weapons on certain prohibited premises did not apply.

A governmental unit would not be liable in a civil action arising from the discharge of a handgun by an individual who was volunteer emergency services personnel and licensed to carry a handgun. The discharge of a handgun would be outside the course and scope of an individual's duties as volunteer emergency services personnel. This could not be construed to waive the immunity from suit or liability of a governmental unit under any law.

The bill would define volunteer emergency services personnel to include a volunteer firefighter, an emergency medical services volunteer, and any individual who voluntarily provided services for the public during emergencies.

The bill would take effect September 1, 2017, and apply only to an offense committed on or after that date.

SUPPORTERS SAY:

HB 435 would provide certain legal protections to volunteer emergency services personnel who are licensed to carry a handgun, allowing them to decrease potentially dangerous delays in rendering aid caused by having to store their handguns before entering certain premises.

Rural areas in Texas often rely on firefighter and emergency medical services that are completely volunteer. These volunteer personnel often are the first to respond in emergency situations because the closest law enforcement support may be many minutes away. The bill would prevent delays in the event volunteer emergency services personnel showed up for emergency duty with a handgun already on them.

The bill would not confer additional authority to volunteer emergency services personnel. It would not grant to these personnel the powers and responsibility of law enforcement to secure a site or, if necessary, discharge a handgun in response to an incident. The bill also would not require volunteer emergency personnel to obtain a handgun license or, if they were licensed, to carry a firearm. The bill only would ensure that volunteer emergency service personnel did not have to worry about the legality of carrying a weapon based on where an emergency was located, thereby reducing response time.

OPPONENTS SAY:

It is unclear whether HB 435 would allow local department chiefs to retain local control. Individual departments should be able to decide if carrying a handgun was appropriate in their communities, and if so, when and where personnel could carry.

Emergency services personnel do not receive the amount and type of training required of law enforcement regarding decision-making as it relates to the use of force. It is concerning that under the bill, armed volunteer emergency services personnel could have an opportunity to engage in unpredictable situations and make potentially rushed decisions, rather than deferring to law enforcement as they currently do.

The bill unintentionally could change the perception of first responders. Historically, first responders have been seen as helpers in the community. However, by allowing them to carry handguns while performing their duties, for some people it could introduce an element of fear or anxiety regarding the presence of volunteer first responders.

SUBJECT: Extending late applications deadlines for disabled veterans tax exemptions

COMMITTEE: Ways and Means — favorable, without amendment

VOTE: 11 ayes — D. Bonnen, Y. Davis, Bohac, Darby, E. Johnson, Murphy, Murr, Raymond, Shine, Springer, Stephenson

0 nays

WITNESSES: For — (*Registered, but did not testify*: Julia Parenteau, Texas Association of Realtors; Russell Hayter)

Against — (*Registered, but did not testify*: Adam Cahn, Cahnman's Musings)

BACKGROUND: Tax Code, sec. 11.431 requires the chief appraiser to accept an application for a resident homestead exemption, including an exemption for a disabled veteran, the surviving spouse of a disabled veteran, or the surviving spouse of a member of the armed forces killed in action, after the deadline if it is filed within one year of the delinquency date for taxes on the homestead.

Tax Code, sec. 11.439 requires the chief appraiser to accept an application for a disabled veterans property tax exemption after the deadline, if it is filed no later than one year after the delinquency date for taxes on the property. A tax collector is required to pay the refund within 60 days of notification from the chief appraiser that the disabled veterans exemption was approved.

DIGEST: HB 626 would extend the deadline for when a late application for certain homestead exemptions applications could be accepted to no later than two years after the delinquency date for the taxes on the homestead. The bill also would extend the deadline for when a disabled veterans property tax exemption application could be accepted to no later than five years after the delinquency date for taxes on the homestead.

The chief appraiser would be required to notify applicable tax collectors

no later than 30 days after a late application for a homestead or a disabled veterans exemption was approved. A tax collector would have to pay a refund within 60 days of being notified that the chief appraiser accepted a homestead exemption.

The bill would take effect September 1, 2017, and would apply only to an application filed for the 2016 tax year or later.

SUPPORTERS SAY:

HB 626 would extend the deadline to file an application for homestead or other disabled veterans tax exemptions. The current deadline of no more than one year after the delinquency date for taxes that year does not allow for enough time for individuals to document a disability, meaning that certain veterans could miss the opportunity to apply. The late application deadlines proposed by the bill would match those of other late applications for religious organization, school, and veterans organization exemptions.

OPPONENTS SAY:

HB 626 would apply only to certain categories of individuals, but it would be better to apply that standard to all parties who wished to file late exemption applications.

NOTES:

According to the Legislative Budget Board, by granting certain late homestead and disabled veteran exemptions, the bill could lead to a reduction in taxable property values and an increase in related costs to the Foundation School Program through the operation of the school finance formulas.

SUBJECT: Preparing contact information for a jury wheel

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Smithee, Farrar, Gutierrez, Hernandez, Murr, Neave

3 nays — Laubenberg, Rinaldi, Schofield

WITNESSES: For — (*Registered, but did not testify*: Jennifer Lindenzweig, Hunt County Clerk; Celeste Bichsel and Caroline Woodburn, Texas County and District Clerks' Association; Heather Hawthorne; Patti Henry; Laura Hinojosa; Angelia Orr)

Against — None

On — Ashley Fischer, Texas Secretary of State: (*Registered, but did not testify*: Keith Ingram, Texas Secretary of State, Elections Division)

BACKGROUND: Government Code, 62.001 requires the voter registrar of each county and the Department of Public Safety to furnish certain information, including voters' registration information and their mailing addresses, to the secretary of state for the purpose of reconstituting the jury wheel. The secretary of state combines the lists, eliminates duplicate names, and sends the combined list to each county.

The list from a voter registrar provided to the secretary of state may exclude the names of persons on the suspense list, which contains the voters who failed to confirm their residence with the registrar, whose undelivered renewal certificate was returned to the registrar, or who appear on the list of nonresidents of the county provided to the registrar.

DIGEST: CSHB 1103 would require the secretary of state, when combining lists with information on potential jurors furnished by voter registrars and the Department of Public Safety, to include only the address submitted by the voter registrar if the lists provided different addresses for a person.

The bill also would require voter registrars to exclude in their lists to the

secretary of state the names of those on the suspense list.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS SAY:

CSHB 1103 would make voter registration mailing addresses the default address when the secretary of state prepares the jury wheel. Texas has a historic problem with low response rates to jury summons, and during the interim, the House Committee on Judiciary and Civil Jurisprudence identified incorrect addresses on the jury pool list as a significant contributor to low participation. Currently, the secretary of state has discretion over what address to use if there is a conflict between a person's driver's license and voter registration information. The committee in its interim report recommended requiring that voter registration mailing addresses be used as the default address for the jury wheel to increase jury participation rates.

CSHB 1103 would help increase participation because voter registration addresses are considered more likely to be current than the address on a driver's license. While there are requirements to update driver's license addresses after a move, compliance is low.

OPPONENTS SAY:

A voter registration address is the wrong address to use to contact a jury pool participant. Driver's license addresses must be changed each time a person moves or the driver risks being fined. People have a greater incentive to keep their driver's license addresses current than their voter registration addresses.

SUBJECT: Changing the rollback tax rate calculation for certain school districts

COMMITTEE: Ways and Means — committee substitute recommended

VOTE: *After recommitted:*
9 ayes — D. Bonnen, Y. Davis, Bohac, Darby, Murphy, Murr, Shine, Springer, Stephenson

0 nays

2 absent — E. Johnson, Raymond

WITNESSES: *March 22 hearing:*
For — Missy Bender, Plano ISD; Sandy Hughey, Texas Association of School Boards; Thomas Canby, Texas Association of School Business Officials; (*Registered, but did not testify*: Mark Wiggins, Association of Texas Professional Educators; Julie Cowan, Austin ISD Board of Trustees; Michelle Smith, Fast Growth School Coalition; Ellen Williams, Houston Independent School District; Seth Rau, San Antonio ISD; Mike Motheral, Small Rural School Finance Coalition; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Thomas Canby and Nicole Conley, Texas Association of School Business Officials (TASBO); Colby Nichols, Texas Rural Education Association; Christy Rome, Texas School Coalition; Dale Craymer, Texas Taxpayers and Research Association; Dwight Harris, Texas AFT; Drew Scheberle, Greater Austin Chamber of Commerce; Joseph Green, Travis County Commissioners Court)

Against — None

On — (*Registered, but did not testify*: Sacha Jacobson)

BACKGROUND: Following a 2005 school finance ruling from the Texas Supreme Court, the 79th Legislature, 3rd Called Session, in 2006 enacted HB 1 by Chisum, which required districts to lower their maintenance and operations (M&O) tax rates by one-third. For a district taxing at the then maximum $1.50 per $100 property valuation, its compressed tax rate

dropped to $1.00 in the 2007 tax year.

HB 1 allowed districts to raise their M&O tax rates above the compressed rate by 4 cents per $100 valuation. Voter approval is required for a district to adopt a higher tax rate, up to the maximum allowable tax rate of $1.17 for most districts.

The tax rate that a school district may not exceed without holding an election is known as the "rollback" tax rate. Tax Code, sec. 26.08(n) provides two methods of calculating the rollback tax rate of a school district whose M&O tax rate for the 2005 tax year was $1.50 or less per $100 of taxable value.

DIGEST:

CSHB 486 would add a new method of calculating the rollback tax rate of school districts whose maintenance and operations (M&O) tax rate for the 2005 tax year was $1.50 or less per $100 of taxable value and whose adopted tax rate was approved at an election in the 2006 tax year or subsequently.

The bill would calculate the rollback tax rate for those districts as the higher of the amount under current law or the sum of the highest M&O tax rate adopted by the district's voters in the 2007 tax year or since, plus the district's current debt rate.

The new calculation would apply only to a district that had adopted a tax rate equal to or higher than the rollback tax rate for any tax year in the preceding 10 tax years.

The new calculation would not apply to a district if all of the following conditions were met:

- in the 2007 tax year or a subsequent tax year before 2016, voters approved the district's adoption of an M&O tax rate higher than the district's compressed tax rate plus 4 cents;
- for tax year 2016, the district adopted a M&O tax rate that was lower than the tax rate amount approved at the aforementioned tax election and higher than the compressed tax rate plus 4 cents; and
- the adopted tax rate had not been approved at an election since the

2016 tax year.

The bill would take effect January 1, 2018 and would apply to a district's tax rate beginning with the 2018 tax year.

SUPPORTERS SAY:

CSHB 486 would allow certain school boards to lower their maintenance and operations (M&O) tax rates if warranted by financial conditions and later to return to the previous maximum tax rate set by voters. Under current law, a district that reduces its tax rate and subsequently decides to raise it back to the level previously approved by voters must hold another tax ratification election (TRE). Concerns about the cost and uncertainty of a new TRE prevent some districts from lowering their tax rates during a year or years when they may have surplus revenue.

The bill would phase in the new tax rate flexibility by requiring that districts that previously had adopted a lower tax rate than the amount approved by voters would be required to hold another TRE before raising their rate to that previously approved level.

The tax rate flexibility provided by the bill would allow districts to provide property tax relief without risking the loss of voter authority to tax at a higher rate if needed during a subsequent year. For instance, a district that lowered its tax rate one year might want to return to the higher tax rate the next year due to costs incurred opening a new campus or to cover another expense. The ability to adjust tax rates up and down as financial conditions warrant could help school boards respond to fluctuations in property valuations and state appropriations.

In addition to the costs and staff time involved in holding a TRE, voters may be confused when they are asked to ratify a tax increase that was previously approved. The bill would retain tax rate transparency because a school board could not raise taxes above the level previously supported by voters.

Voters concerned about the accountability for school board tax rate decisions could hold school trustees accountable during regular school board elections. Objections that property-wealthy districts could use the flexibility to reduce recapture money they owe under the state's wealth-

equalization laws are outweighed by the value of property tax relief HB 486 would provide.

OPPONENTS SAY:

By allowing a school board to lower rates after holding a TRE and to later raise them without holding a new TRE, CSHB 486 could lead to higher tax rates. At a time when school property taxes are increasing in much of Texas, it is important for school boards to remain accountable for their tax rate decisions.

Some property-wealthy districts could use the tax rate flexibility provided by the bill to influence the amount of recapture money they paid to the state. This could result in less overall revenue for school funding.

NOTES:

According to the Legislative Budget Board (LBB), the financial impact of CSHB 486 cannot be estimated because it is unknown how many school boards would lower their tax rates due to the additional flexibility. According to the LBB, the bill could result in higher school tax rates in some instances and a financial gain to affected districts.

A companion bill, SB 1267 by L. Taylor, was reported favorably by the Senate Education Committee on April 26 on appears on today's intent calendar in the Senate.

SUBJECT: Making fine-only misdemeanor records confidential after five years

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Moody, Canales, Hefner, Lang, Wilson

0 nays

2 absent — Hunter, Gervin-Hawkins

WITNESSES: For — (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs; Rob Kohler, Christian Life Commission of Baptist General Convention of Texas; Reginald Smith, Communities for Recovery; Gyl Switzer, Mental Health America of Texas; Mary Mergler, Texas Appleseed; Douglas Smith, Texas Criminal Justice Coalition; Sacha Jacobson; Danielle King)

Against — None

On — Shannon Edmonds, Texas District and County Attorneys Association (TDCAA)

BACKGROUND: Some have raised concerns that allowing criminal records of fine-only misdemeanors to exist indefinitely is a burden to people seeking jobs, education, or housing.

DIGEST: HB 681 would make confidential, on the fifth anniversary of a final conviction or dismissal of a fine-only misdemeanor offense, all records, files, and information related to that offense from which a record or file could be generated, that were stored by or for a municipal or justice court. These records could be opened only by:

- judges or court staff;
- a criminal justice agency for a criminal justice purpose;
- the Department of Public Safety;
- the attorney representing the state;
- the defendant or the defendant's counsel; or

- an insurance company or surety company authorized to write motor vehicle liability insurance in Texas, if the offense was a traffic offense.

On the fifth anniversary of a final conviction or dismissal of a fine-only misdemeanor, all records, files, and information related to that offense from which a record or file could be generated, that were stored by or for an appellate court, would become confidential and could not be disclosed to the public. Opinions issued by an appellate court would not become confidential.

The bill would take effect September 1, 2017, and would apply to the disclosure of information on or after that date.

SUBJECT: Creating an offense for unregulated custody transfer of adopted children

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 7 ayes — Dutton, Dale, Biedermann, Cain, Moody, Schofield, Thierry

0 nays

WITNESSES: For — (*Registered, but did not testify*: Will Francis, National Association of Social Workers - Texas Chapter; Katherine Barillas, One Voice Texas; Kate Murphy, Texans Care for Children; Sarah Crockett, Texas CASA; Dimple Patel and Pamela McPeters, TexProtects (Texas Association for the Protection of Children); James Thurston, United Ways of Texas; Rachael Robertson)

Against — None

On — (*Registered, but did not testify*: Laurel Brenneise, Department of Family and Protective Services)

BACKGROUND: Family Code, ch. 162, subch. A governs the adoption of a child.

Concerns have been raised that some adoptive parents may seek to transfer permanent physical custody of an adopted child to someone unable to provide a safe home.

DIGEST: CSHB 834 would create an offense under Family Code, ch. 162, subch. A for the unregulated custody transfer of an adopted child. "Unregulated custody transfer" would be defined as a transfer of permanent physical custody of an adopted child to someone other than a relative, stepparent, or other adult with whom the child had a significant and long-standing relationship without first obtaining court approval. The offense also would apply to an individual who facilitated or participated in an unregulated transfer.

The offense would be a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000). It would be enhanced to a second-

degree felony (two to 20 years in prison and an optional fine of up to $10,000) if the child was transferred with the intent to commit a sexual or human trafficking offense.

The offense would not apply to:

- the placement of an adopted child with a licensed child-placing agency, the Department of Family and Protective Services (DFPS), or an adult relative, stepparent, or other adult with whom the child had a significant and long-lasting relationship;
- the placement of an adopted child by the DFPS or a licensed child-placing agency;
- temporary placement of an adopted child for a designated short-term period due to certain circumstances, such as military service or medical treatment;
- placement of an adopted child in another state according to existing law; or
- the voluntary delivery of an adopted child in accordance with existing law.

The bill also would extend the offense of advertising for placement of a child for adoption to include advertising any other form of permanent physical custody of the child.

CSHB 834 would require licensed child-placing agencies to provide information about community services and supporting resources to adoptive parents, as well as the options available to adoptive parents if they were unable to care for the adopted child.

The bill would take effect September 1, 2017, and would apply only to an offense committed on or after that date.

SUBJECT: Exempting heated or served bakery items from state sales tax

COMMITTEE: Ways and Means — favorable, without amendment

VOTE: 11 ayes — D. Bonnen, Y. Davis, Bohac, Darby, E. Johnson, Murphy, Murr, Raymond, Shine, Springer, Stephenson

0 nays

WITNESSES: For — Janice Jucker; (*Registered, but did not testify*: Richard Prets, SBDC; Jim Sheer, Texas Retailers Association; Robert Jucker; Kirk Michaelis; Heather O'Connor)

Against — (*Registered, but did not testify*: Adam Cahn, Cahnman's Musings)

BACKGROUND: Tax Code, sec. 151.314 exempts food products for human consumption from state sales, excise and use taxes. Sec. 151.314(c-2) specifies that this exemption does not apply to food that is heated, served, prepared, or sold ready for immediate consumption.

Sec. 151.314(c-3) specifies that the exemption does apply to bakery items, provided that they are not sold with plates or other eating utensils.

DIGEST: HB 4054 would exempt heated bakery items and bakery items served with plates or other utensils from state sales, excise, and use taxes.

The bill would take effect September 1, 2017, and would apply only to tax liability accruing on or after that date.

SUPPORTERS SAY: HB 4054 would resolve a confusing disparity for bakeries and their bookkeeping processes. Currently, a bakery cannot heat a pastry for a customer or serve it with utensils without charging sales tax and can be audited for handing a fork to a customer. The bill would simplify the Tax Code and create uniformity among bakeries and their accounting practices.

The bill would enable bakeries to provide superior customer service without worrying that they were violating the law. Customers should be entitled to eat the bakery items they purchase whenever they choose, and bakeries should not be penalized for providing good service or satisfying customer requests.

The bill would not damage the operation of the free market and according to the fiscal note would present no significant cost to the state. Bakeries already receive an exemption in the Tax Code, and the bill simply would provide for fair and uniform enforcement of this exemption.

OPPONENTS SAY:

By carving out an exemption in the Tax Code for just one special interest group, HB 4054 could infringe on the free market. Bakeries that serve hot food should not be entitled to an exemption that is not afforded to their competitors that serve hot food. Such exemptions represent a cost to the state budget and should not be further expanded.

SUBJECT: Removing restrictions on political contributions by judges, candidates

COMMITTEE: General Investigating and Ethics — favorable, without amendment

VOTE: 7 ayes — S. Davis, Moody, Capriglione, Nevárez, Price, Shine, Turner

0 nays

WITNESSES: For — Eric Opiela, Republican Party of Texas; Glen Maxey, Texas Democratic Party; Susan Shelton, Texas Democratic Women; Bill Fairbrother, Texas Republican County Chairmen's Association; (*Registered, but did not testify*: Karen Newton, Texas Federation of Republican Women)

Against — (*Registered, but did not testify*: Joanne Richards, Common Ground for Texans; Carol Birch, Public Citizen Texas; Craig McDonald, Texans for Public Justice; Lon Burnam; Hamilton Richards)

BACKGROUND: Election Code, sec. 253.1611 governs how a judicial candidate or a specific-purpose committee supporting or opposing a judicial candidate or officeholder may use political contributions to make political contributions.

DIGEST: HB 3903 would repeal restrictions on the use of political contributions made to a judicial candidate or specific-purpose committee for making:

- contributions to a political committee in connection with a primary election;
- contributions to a political committee that, when aggregated with each other political contribution in connection with a general election, exceeded $500; and
- contributions to a political committee in any calendar year in which the office held was not on the ballot that, when aggregated with each other political contribution in that calendar year, exceeded $250.

The bill also would remove limits on how much a judge or judicial

candidate could contribute to a state or county executive committee of a political party.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS SAY:

HB 3903 would eliminate restrictions that prohibit judges and judicial candidates from making contributions to political committees and remove limits on how much they could contribute to county and state party coffers. The bill would bring judges and judicial candidates in line with how other candidates and elected officials are allowed to use their political funds.

It also would remove a gray area that can create confusion when a judge wishes to attend an event involving other political candidates. Both major political parties support the bill.

While some would argue that judges and judicial candidates should be kept separate from politics, the reality is that Texas judges are elected in partisan races. The bill would properly retain the $100 annual limit on judges' use of political funds to support other candidates or officeholders.

OPPONENTS SAY:

HB 3903 could create more partisanship within the judiciary by removing restrictions designed to limit judges' involvement in election politics. These laws, in place since the 1990s, have allowed judges to avoid situations where their appearance at an event or financial support of a political organization could raise concerns about their judicial independence.

NOTES:

A companion bill, SB 2151 by Huffman, was referred to the Senate State Affairs Committee on March 29.

SUBJECT: Administering online instruction for handgun proficiency courses

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 8 ayes — Nevárez, Burns, Hinojosa, Holland, J. Johnson, Metcalf, Schaefer, Wray

0 nays

1 absent — P. King

WITNESSES: For — Kevin Knapp; (*Registered, but did not testify*: Ann Hettinger, Center for the Preservation of American Ideals; Frederick Frazier, Dallas Police Association; Ray Hunt, Houston Police Officers Union; Donald Hathorne)

Against — (*Registered, but did not testify*: Harold Carter, Texas State Rifle Association; Angela Gerlich, TSRA Foundation; Mike Cox)

BACKGROUND: Government Code, sec. 411.188 defines requirements and standards for classroom instruction, written examination, and physical demonstration for a handgun proficiency course set by the Department of Public Safety (DPS).

Sec. 411.190 defines qualifications and requirements for a qualified handgun instructor set by DPS.

Some have noted that DPS currently allows for certified gun instructors to pursue continuing education through online instruction and suggest that the classroom portion of handgun safety training also be made available online.

DIGEST: CSHB 3784 would allow an online course provider approved by the Department of Public Safety (DPS) to offer the classroom portion of the handgun proficiency course, which must include between four and six hours of instruction. The approved course provider also could conduct the

written part of the proficiency examination through an online secure portal. DPS would be required to publicize, including on its website, a list of approved online course providers with their contact information.

The bill would authorize DPS to certify an online course provider who has at least three years of experience providing online instruction, experience working with government entities, and direct knowledge of handgun training. The approved online course provider would be subject to the same statutory qualifications and requirements as a qualified handgun instructor in order to be authorized to administer a handgun proficiency course. DPS also would be required on request to distribute to an approved online course provider the standards, course requirements, and examinations necessary to administer a handgun proficiency course.

The bill would require handgun license applicants who successfully completed the online classroom instruction portion of the handgun proficiency course to have between one and two hours of range instruction before attempting the physical demonstration of the handgun proficiency course, which could be administered only by a qualified handgun instructor.

The bill would take effect September 1, 2017.

SUBJECT: Allowing certain health providers to enroll in Medicaid MCO networks

COMMITTEE: Human Services — favorable, without amendment

VOTE: 9 ayes — Raymond, Frank, Keough, Klick, Miller, Minjarez, Rose, Swanson, Wu

0 nays

WITNESSES: For — Steve Nguyen, Texas Optometric Association; (*Registered, but did not testify*: Jay Propes, Texas Ophthalmological Association.; Bj Avery, Texas Optometric Association)

Against — None

On — (*Registered, but did not testify*: Jami Snyder, Health and Human Services Commission)

BACKGROUND: Human Resources Code, sec. 32.072(a) entitles Medicaid recipients to select and have direct access to a participating ophthalmologist or therapeutic optometrist for nonsurgical eye health care services. To use these services, patients do not need a referral from a health care professional or a prior authorization.

Observers have noted that in some circumstances, Medicaid managed care organization providers require patients or eye doctors to obtain prior authorization before accessing or providing nonsurgical eye health care services.

DIGEST: HB 3675 would require the Health and Human Services Commission (HHSC) to order each Medicaid managed care organization (MCO) provider to include certain optometrists, ophthalmologists, and accredited optometry or ophthalmology training programs as in-network providers if they agreed to the terms, conditions, Medicaid reimbursement rate, and standards of care required by the MCO.

HHSC could not prevent certain eye health care service providers who

joined an established practice that contracted with a Medicaid MCO or who were employed to provide optometry or ophthalmology training at a higher education institution from enrolling as Medicaid providers if they met certain terms and conditions. The commission also could not prevent an institution of higher education from enrolling as a Medicaid provider if it met the applicable criteria.

The bill would provide that a Medicaid recipient, ophthalmologist, or a therapeutic optometrist would not need to obtain prior authorization or a referral from a health care professional on the patient's behalf for nonsurgical eye care services.

The bill would take effect September 1, 2017.

NOTES: A companion bill, SB 2228 by Hinojosa, was referred to the Senate Committee on Health and Human Services on March 29.

SUBJECT: Allowing transferring seniors to graduate under certain conditions

COMMITTEE: Public Education — committee substitute recommended

VOTE: 8 ayes — Huberty, Bernal, Bohac, Dutton, Gooden, K. King, Koop, VanDeaver

0 nays

3 absent — Allen, Deshotel, Meyer

WITNESSES: For — (*Registered, but did not testify*: Mark Wiggins, Association of Texas Professional Educators; Celina Moreno, Mexican American Legal Defense and Education Fund; Seth Rau, San Antonio ISD; Ted Melina Raab, Texas American Federation of Teachers; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Dax Gonzalez and Robert Westbrook, Texas Association of School Boards; David Hinojosa, Texas Latino Education Coalition; Kyle Ward, Texas PTA; Colby Nichols, Texas Rural Education Association; Dee Carney, Texas School Alliance; Heather Sheffield; Greg Worthington)

Against — (*Registered, but did not testify*: Adam Cahn)

On — Heather McGregor, Region 8 ESC; (*Registered, but did not testify*: Drew Scheberle, Greater Austin Chamber of Commerce; Kara Belew, Monica Martinez, and Shelly Ramos, Texas Education Agency)

BACKGROUND: Under Education Code, sec. 28.025(c), with exceptions for students served by special education and certain others, a public high school student may graduate and receive a high school diploma only if he or she successfully completes the state curriculum requirements and demonstrates satisfactory performance on required end-of-course assessments, which are administered throughout the high school grades and to some students in grade 8.

Education Code, sec. 28.0258 provides that if a public high school junior

or senior fails up to two end-of-course tests, school districts and open-enrollment charter schools are required to establish an individual graduation committee to determine whether the student may qualify to graduate.

DIGEST:

CSHB 1980 would create a process through which an individual graduation committee (IGC) could determine that a senior who transferred into the Texas public school system after grade 11 could graduate despite not meeting state requirements. The bill would apply to students in their senior year who:

- were unable, based on coursework completed in a different state, to comply with the curriculum requirements of Texas for graduation by the end of senior year; or
- had difficulty complying with the end-of-course (EOC) assessment requirements for high school graduation.

A school district would be required to create an individual graduation committee for such a student at the beginning of his or her senior year to determine whether the student qualified to graduate. The committee would be composed of:

- the principal or the principal's designee;
- the department chair or lead teacher for each subject covered by an EOC assessment; and
- the student's parent or person standing in parental relation to the student, or the student if he or she was 18 years old.

In determining whether a student was qualified to graduate, the IGC would consider:

- the recommendation of the student's teacher in each course for which the student did not take an EOC assessment;
- the student's performance on alternative nationally recognized norm-referenced tests, including the ACT or SAT, or the Texas Success Initiative test that the student requested to be considered;
- the student's overall preparedness for postsecondary success; and
- any other academic information designated for consideration by

the board of trustees of the school district.

After considering these criteria, the IGC could determine that the student was qualified to graduate. The decision of the IGC would be final and could not be appealed.

The Commissioner of Education by rule would establish a timeline for making an IGC determination. The commissioner also would allow a student who transferred to a Texas school after grade 11 to satisfy the EOC assessment requirements and qualify for a high school diploma by achieving satisfactory performance on one or more alternative nationally recognized norm-referenced tests and establish required performance levels for these tests that corresponded to the performance levels of the EOC assessments.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply beginning with students enrolled in public high schools as a senior during the 2017-18 school year.

SUPPORTERS SAY:

CSHB 1980 would allow students who moved to Texas late in their high school careers the ability to graduate if the coursework from their previous school did not meet Texas graduation requirements for public school students. Coursework and assessment requirements in other states do not always align with Texas graduation requirements, and too many students moving to Texas are unable to graduate on time as a result, creating a hardship for them and their parents. Students who cannot graduate on time often must delay college or employment and are at greater risk of dropping out.

The bill would provide flexibility to students in unique circumstances who had completed most of their coursework and might only lack a language or other minor course requirement. School administrators and parents would be given local control to make a holistic determination if the student was ready to graduate.

Recent reports from the Texas Education Agency for the 2015-16 school year show that schools are not graduating 100 percent of students who

receive an individual graduation committee, with some declining to graduate 30 percent or more. This demonstrates that these committees can take a balanced view on whether to offer diplomas to individuals who do not meet certain requirements.

OPPONENTS SAY:

Individual graduation committees are incentivized to graduate students who might not be prepared for the workforce or college. Because school accountability measures take graduation numbers into account, schools can be quick to pass along many students through individual graduation committees who are not ready, which devalues the high school diploma in Texas.

SUBJECT: Modifying the mandatory spinal screening program for children

COMMITTEE: Public Education — committee substitute recommended

VOTE: 10 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Gooden, K. King, Koop, Meyer, VanDeaver

0 nays

1 absent — Dutton

WITNESSES: For — David Teuscher, Texas Orthopaedic Association; Francis Luna, Texas School Nurses Organization; Cheryl Phalen, TSNAA; (*Registered, but did not testify*: Stacy Wilson, Children's Hospital Association of Texas; Chris Masey, Coalition of Texans with Disabilities; Andrew Cates, Nursing Legislative Agenda Coalition; Bobby Hillert, Texas Orthopaedic Association; Kyle Ward, Texas PTA; Robert Wolf)

Against — None

On — Evelyn Delgado, Texas Department of State Health Services; (*Registered, but did not testify*: Kara Belew and Monica Martinez, Texas Education Agency)

BACKGROUND: Health and Safety Code, sec. 37.001 requires the Department of State Health Services (DSHS), along with the Texas Education Agency (TEA), to establish a program to detect abnormal spine curvature in children. The executive commissioner of the Health and Human Services Commission (HHSC), with cooperation from TEA, must adopt rules for the mandatory spinal screening of children in grades 6 and 9 attending public or private schools.

Questions have been raised about whether current law permits the HHSC executive commissioner to implement spinal screening requirements based on the findings of current medical research.

DIGEST: CSHB 1076 would require the executive commissioner of the Health and

Human Services Commission (HHSC) to determine appropriate screening ages based on the most recent nationally accepted and peer-reviewed scientific research on spinal screenings for the program to detect abnormal spine curvature in children, rather than requiring screenings of children in grades 6 and 9.

The bill also would direct the HHSC executive commissioner, in cooperation with Texas Education Agency (TEA), to establish a process to notify a child's parent or guardian of:

- the screening requirement;
- the purpose and reasons for the screening requirement;
- the non-invasive nature of the screening procedure; and
- the method for declining to comply with the screening requirement.

The executive commissioner would have to adopt these rules and processes by January 1, 2018, and the bill would apply beginning with the 2018-19 school year.

The bill would take effect September 1, 2017.

NOTES:

A companion bill, SB 850 by Huffines, was reported favorably by the Senate Committee on Health and Human Services on April 27.

SUBJECT: Granting authority to certain cities to pass civil parking ordinances

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 4 ayes — Alvarado, Bernal, Isaac, Zedler

0 nays

3 absent — Leach, Elkins, J. Johnson

WITNESSES: For — Randy Zamora, Mayor's Office, City of Houston; (*Registered, but did not testify*: Jesse Ozuna, Mayor's Office, City of Houston; Monty Wynn, Texas Municipal League)

Against — (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: In 2009, the City of Houston passed a city ordinance that prohibited parking a vehicle on the front or side lawn of a single-family residence in a residential area. The ordinance applied to neighborhoods that opted in either through an application signed by the neighborhood's homeowners association or a petition signed by 60 percent of the homeowners in the neighborhood.

Questions have been raised as to whether a parking ordinance on private property may be enforced civilly and, specifically, whether Houston has the authority to enforce a civil ordinance relating to parking on the front and side lawns of homes.

DIGEST: CSHB 714 would grant a municipality with a population of 1.9 million or more (Houston) the authority to make it a civil offense for parking an unattended vehicle in the front or side yard of a single-family residence in a residential area. The municipality also could establish an administrative adjudication hearing procedure under which a civil fine could be imposed.

The bill would take effect September 1, 2017.